

**ZB# 04-32**

**T & P Larke**

**59-2-3.3**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 6-14-04*

ZBA #04-32 T & P LARKE (AREA)  
221 LAKE ROAD (59-2-3.3)

Patricia Larke 534-8009 x5000

Processed P.H. Check 4/21/04

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: August 4, 2003**

**APPLICANT: Thomas A. and Patricia Larke  
221 Lake Road  
Salisbury Mills, NY 12577**

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: August 1, 2003**

**FOR : 24' Above-ground pool**

**LOCATED AT: 221 Lake Road**

**ZONE: Sec/Blk/ Lot: 59-2-3.3**

**DESCRIPTION OF EXISTING SITE: 221 Lake Road**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

**1. 48-21 G(1) private swimming pools. Such pool shall not be located in any required front yard. Proposed pool will be approximately 25' from the front property line. A variance of 48-21, G(1) is required.**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4      USE: 24' above ground pool

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 35'

25'

10'

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE: -- 40'

32'

8'

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

04-32

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

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**FILE COPY**

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#1 ZBA 5-10-04  
SET UP FOR P/H

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4    USE: 24' above ground pool

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 35'

25'

10'

REQ'D SIDE YD:

REQ'D TOTAL SIDE YD:

REQ'D REAR YD:

40FT

32FT

8FT

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

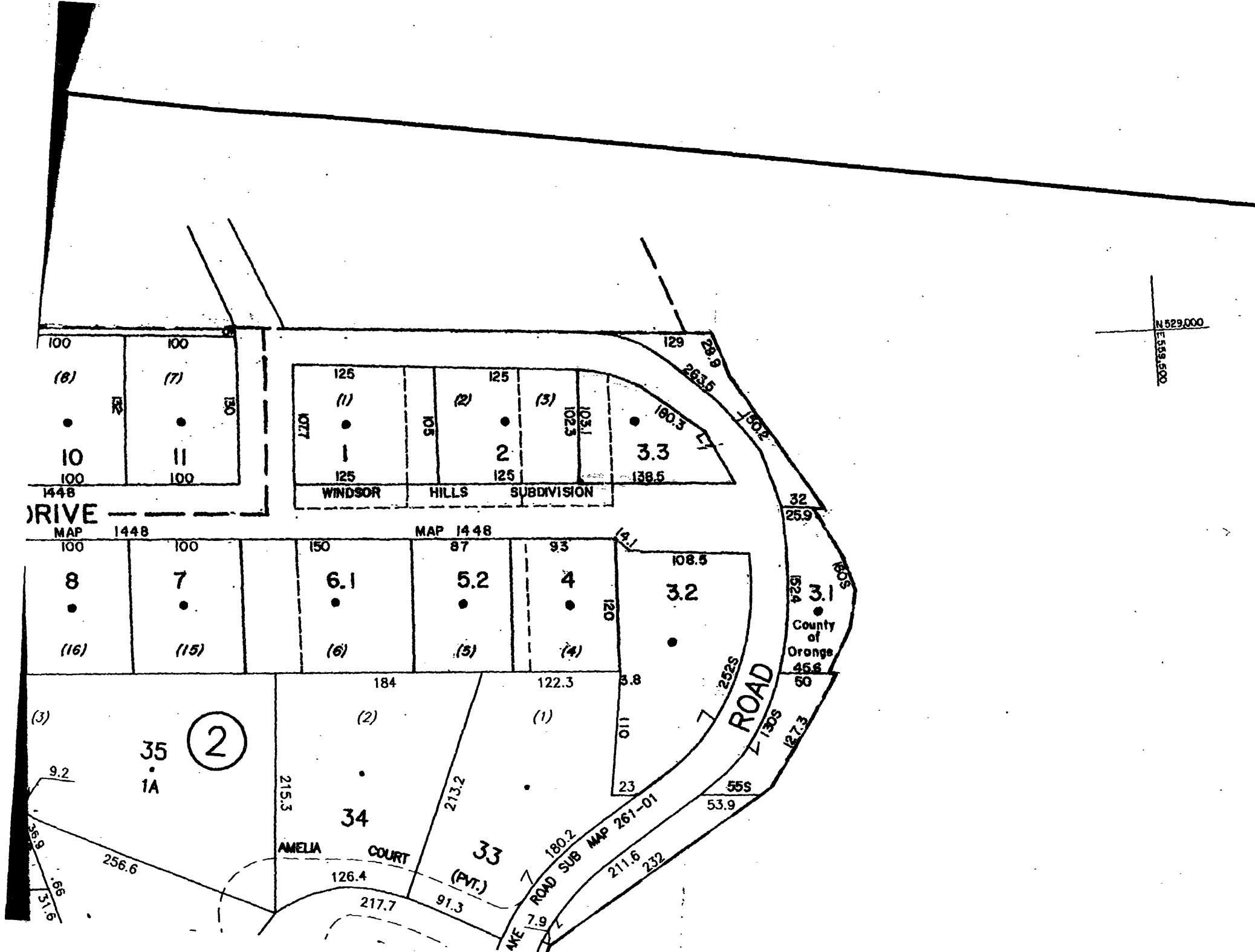
cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

REVISED

5-12-04

MB





PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

AUG 01 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Thomas & Patricia Larke  
Address 221 Lake Rd, Salisbury Mills, NY 12577 Phone # 496-7006  
Mailing Address \_\_\_\_\_ Fax # 534-7089  
Name of Architect \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor Orange Counties Pools

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the west side of Lake Rd.  
(N, S, E or W)  
and 0 feet from the intersection of Hillcrest Dr.
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y (N)
3. Tax Map Description: Section 59 Block 2 Lot 3.3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy Swimming pool b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? yes
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \_\_\_\_\_ Fee \$50

CH# 2150 **PAID**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

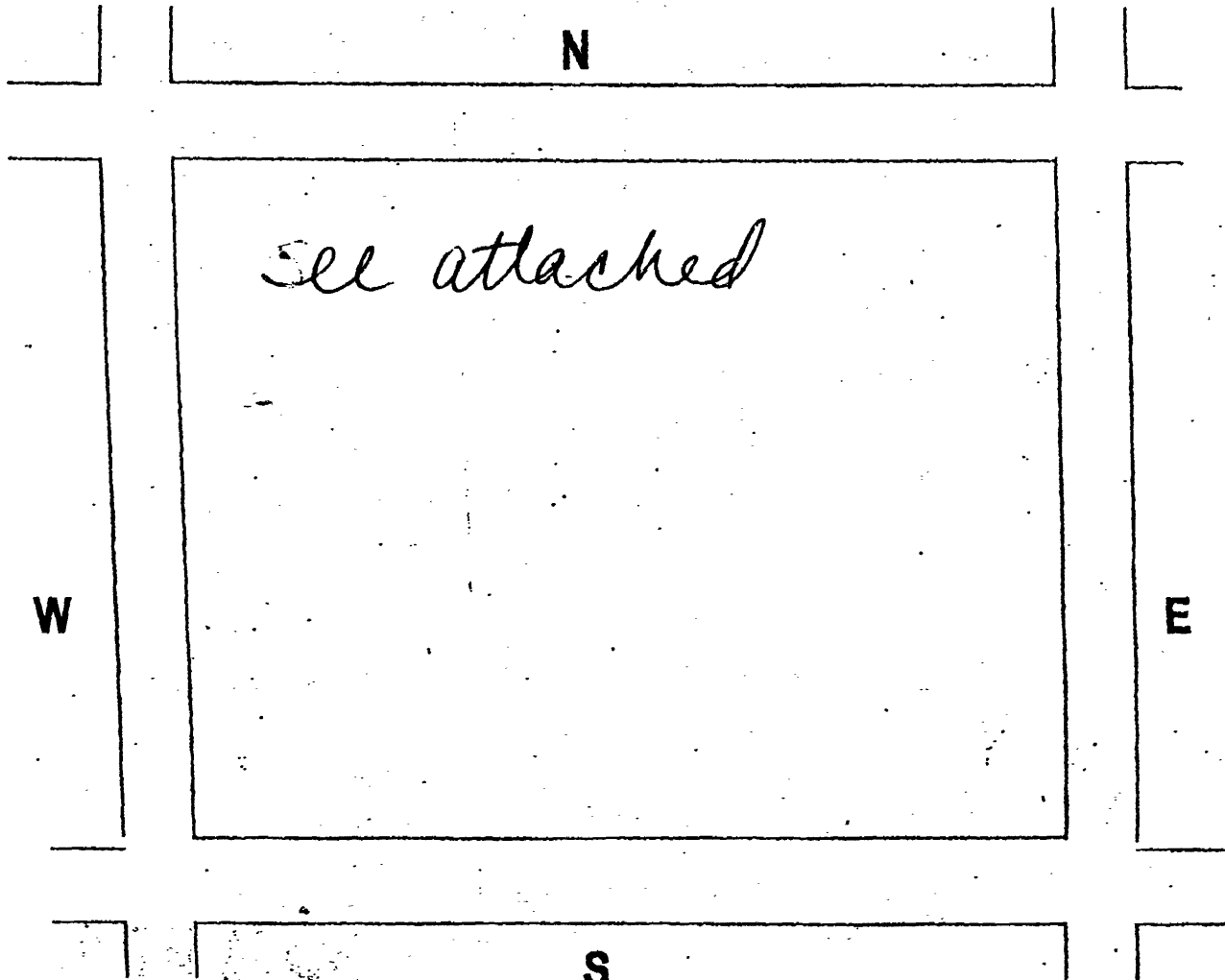
Patricia A. Larke  
(Signature of Applicant)

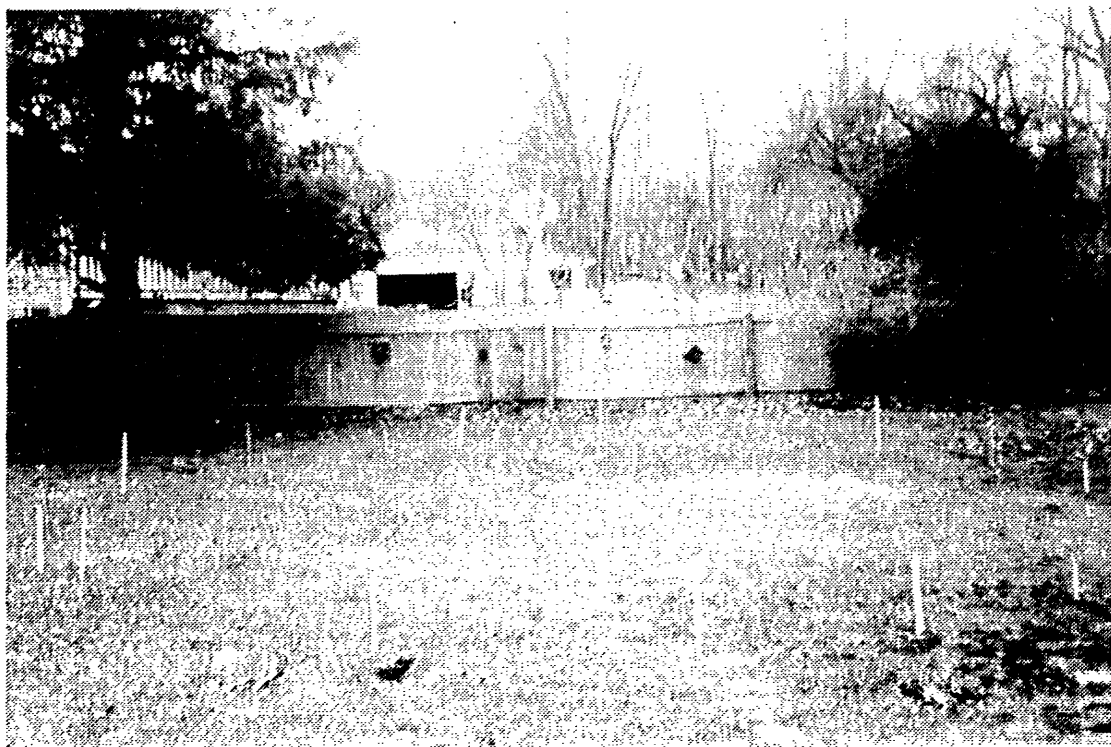
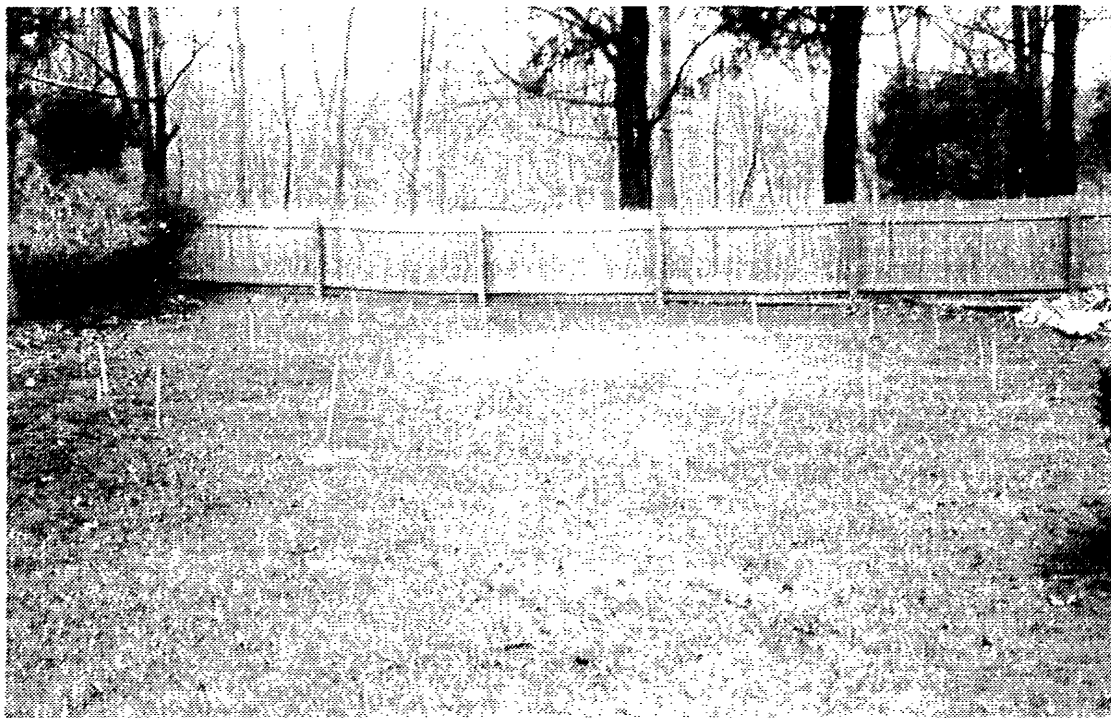
Patricia A. Larke  
(Address of Applicant)

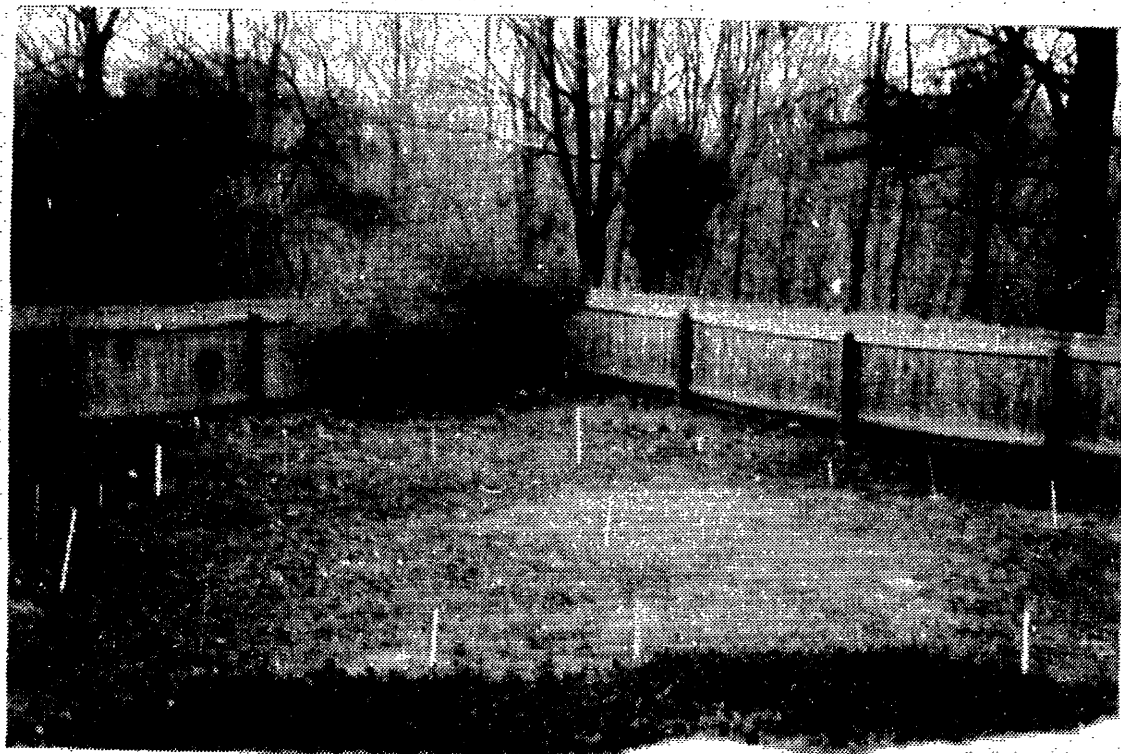
PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

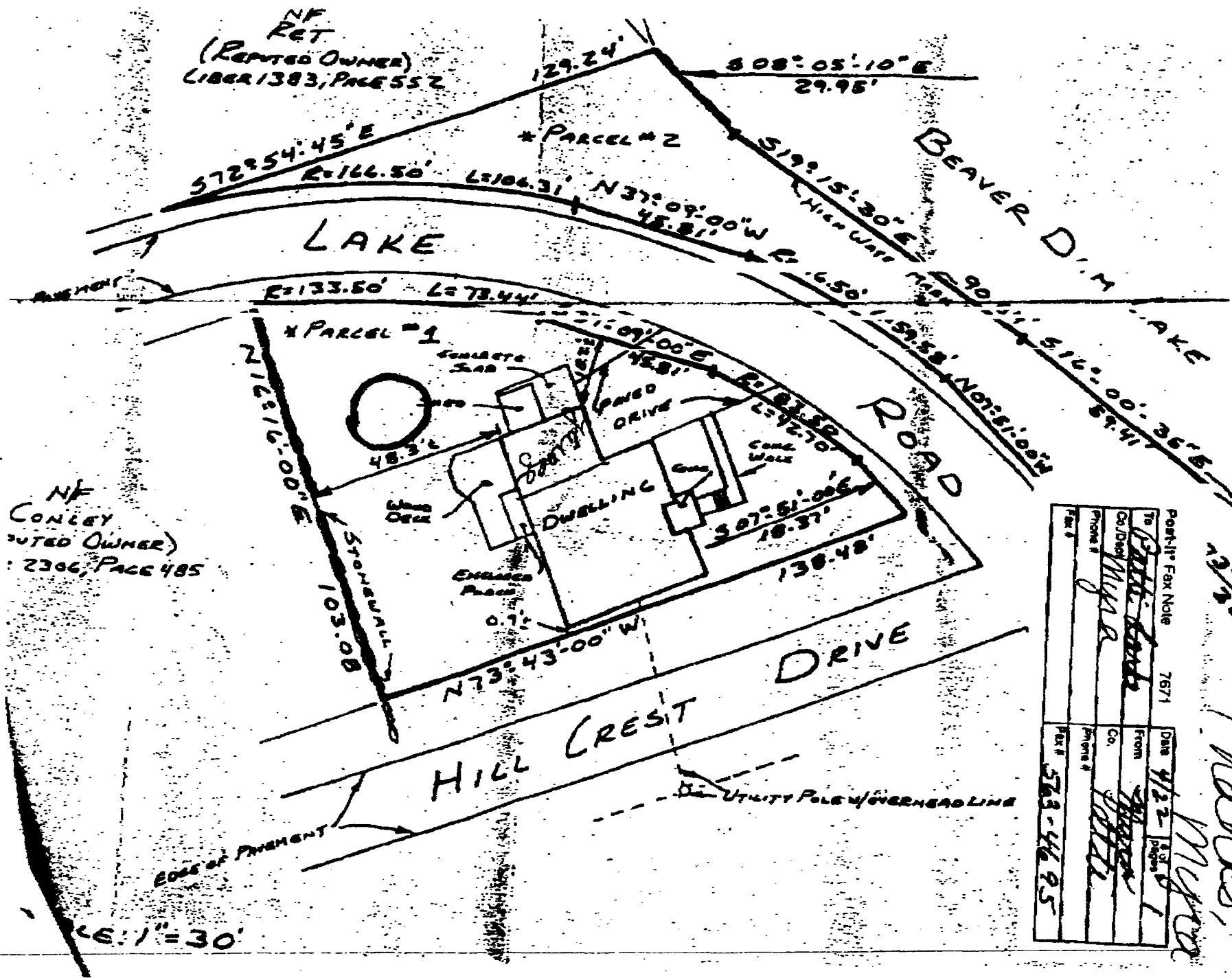






|                       |               |         |               |      |   |
|-----------------------|---------------|---------|---------------|------|---|
| Post-It Fax Note 7671 |               | Date    | 4/22/04       | Page | 1 |
| To                    | Patricia Kade | From    | Patricia Kade |      |   |
| Co/Dept               | Patricia Kade | Co.     | Patricia Kade |      |   |
| Phone #               |               | Phone # |               |      |   |
| Fax #                 |               | Fax #   | 563-4695      |      |   |

*Thanks,  
Patricia*



NF  
RET  
(REPORTED OWNER)  
LIBER 1383, PAGE 552

NF  
CONCEAL  
(REPORTED OWNER)  
2306, PAGE 485





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE ZONING BOARD OF APPEALS

September 14, 2004

Thomas & Patricia Larke  
221 Lake Road  
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR VARIANCE #04-32

Dear Mr. & Mrs. Larke:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 59-2-3.3

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**THOMAS LARKE**

**AREA**

CASE #04-32

**WHEREAS, Thomas Larke**, owner(s) of 221 Lake Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 10 ft. Front Yard Setback and 8 ft. Rear Yard Setback for proposed pool on a corner lot (48-21, G(1) at 221 Lake Road in an R-4 Zone (59-2-3.3);

**WHEREAS**, a public hearing was held on June 14, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The proposed pool will not be on, nor will it interfere with, any easements including, but not limited to water, sewer and utilities.
  - (c) Construction of the pool will not create the ponding or collection of water or divert the flow of water drainage.

- (d) The location of the pool will be enclosed by a fence.
- (e) The pool is similar in size and appearance to other pools in the neighborhood.
- (f) The property is located at the intersection of two roadways and, therefore, has legally, two front yards although it appears visually to have only one. The application is made necessary by the legal presence of two front yards.
- (g) No trees or substantial vegetation will be removed in construction of the pool.
- (h) The location of the pool is made necessary by the topography with existing trees on the property.
- (i) The property is peculiarly shaped being approximately triangular.
- (j) Even if the pool were located in another corner of the property, a variance would still be required.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

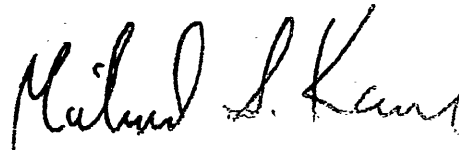
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 ft. Front Yard Setback and 8 ft. Rear Yard Setback for proposed pool on a corner lot (48-21, G(1) at 221 Lake Road in an R-4 Zone (59-2-3.3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 14, 2004



---

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 08-09-04**  
**SUBJECT: ESCROW REFUND 04-32**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 169.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-32**

**NAME & ADDRESS:**

**Thomas & Patricia Larke  
221 Lake Road  
Salisbury Mills, NY 12577**

**THANK YOU,**

**MYRA**

**L.R.08-09-04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-32      TYPE: AREA

APPLICANT Name & Address:

**Thomas & Patricia Larke  
221 Lake Road  
Salisbury Mills, NY 12577**

TELEPHONE:      496-7006

|                |           |                     |
|----------------|-----------|---------------------|
| RESIDENTIAL:   | \$ 50.00  | CHECK # <u>2011</u> |
| COMMERCIAL     | \$ 150.00 | CHECK # _____       |
| INTERPRETATION | \$ 150.00 | CHECK # _____       |

ESCROW:      RESIDENTIAL \$300.00      CHECK # 2012

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>7</u> PAGES | \$ <u>38.50</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES     | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES     | \$ _____                               | \$ _____                      |

TOTAL:      \$ 60.50      \$ 70.00

~~~~~

ESCROW POSTED:      \$ 300.00

LESS: DISBURSEMENTS:      \$ 130.50

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 169.50

Cc:

L.R. 08-09-04

PUBLIC HEARINGS:

THOMAS LARKE (04-32)

Mr. Thomas Larke appeared before the board for this proposal.

MR. KANE: Request for 10 ft. front yard setback and 8 ft. rear yard setback for proposed pool on a corner lot at 221 Lake Road in an R-4 zone. Tell us what you want to do.

MR. LARKE: I want to install, Orange County Pool actually is going to install a 24 foot above-ground round pool in my rear property.

MR. KANE: And I better state this now for the record, the Orange County Pools you're dealing is from what town?

MR. LARKE: New Windsor.

MR. KANE: I do not work for them but the company has the same name. I work out of Carmel, so, for the record, I do not work for them.

MR. MC DONALD: The proposed pool won't be over any easements or create any abnormal runoff or anything like that?

MR. LARKE: No, sir.

MR. KANE: Is your yard fenced in?

MR. LARKE: Yes, it is.

MR. KANE: So the pool itself, even though it's on a corner will be inside the fence, even though that's not a state requirement? But pool is similar in size to other pools in your neighborhood?

MR. LARKE: Yes, it is, sir.

MR. KANE: Again, the only reason we have him in here tonight is because of the corner lot scenario?

MR. BABCOCK: Yes

MR. KANE: Cutting down any trees or substantial vegetation in the building of this?

MR. LARKE: No.

MR. KANE: Will you create any water hazards or runoffs?

MR. LARKE: No, I won't.

MR. KANE: Going over any easements in that particular area?

MR. LARKE: None.

MR. RIVERA: Is it an above-ground or inground?

MR. LARKE: 24 foot above-ground.

MR. KANE: Who's building it?

MR. LARKE: R & R. I don't know who's installing it.

MR. KANE: R & R probably.

MR. KANE: And your understand at this point if that's passed by this board that you will be required to pass all the regulations from the building department in the building of the pool?

MR. LARKE: Yes.



MR. KANE: At this point, I will open it up to the public and seeing as there's no public, we'll close that portion and ask Myra how many mailings?

MS. MASON: On the 17th of May, I mailed out 39 addressed envelopes and got no responses.

MR. KANE: Can you tell us why the pool itself cannot for the record be located elsewhere on your yard so you wouldn't need a variance?

MR. LARKE: Yeah, the other side of the parcel is surrounded by trees and that particular pool wouldn't fit right there. That location is the most open area on the parcel.

MR. KRIEGER: And it's a triangular piece of property?

MR. LARKE: Yes.

MR. KRIEGER: Bordered on two sides by roadways?

MR. LARKE: Yes.

MR. KANE: If you put it in the other corner with the stone wall you'd need to be well off that stone wall to qualify so it wasn't be a safety hazard so you'd still need a variance?

MR. LARKE: Right.

MR. KANE: Okay, are you over any easements?

MR. LARKE: No.

MR. KANE: Any other questions?

MR. MC DONALD: Accept a motion?

MR. KANE: Yes.

MR. MC DONALD: I make a motion that we grant the approval of the requested ten foot front yard setback and eight foot rear yard setback for proposed pool on the corner lot at 221 Lake Road in an R-4 zone.

MR. RIVERA: Second it.

ROLL CALL

|               |     |
|---------------|-----|
| MR. RIVERA    | AYE |
| MR. REIS      | AYE |
| MR. MC DONALD | AYE |
| MR. KANE      | AYE |



RESULTS OF Z.B.A. MEETING OF: \_\_\_\_\_

June 14, 2004

PROJECT: Thomas Lorie

ZBA #  
P.B.#

04-32

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED:

M) MC S) RS VOTE: A 4 N 0.

☒ RIVERA  
MC DONALD  
REIS  
~~MINUTA~~  
KANE

A  
A  
A  
A

CARRIED: Y ☒ N \_\_\_\_\_.

24' Above Ground  
No easements

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

THOMAS LARKE

AFFIDAVIT OF  
SERVICE  
BY MAIL

#04-32

----- X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 17TH day of MAY, 2004, I compared the 39 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

18<sup>th</sup> day of May, 20 04

[Signature]  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified in Orange County  
Commission Expires 10/30/2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

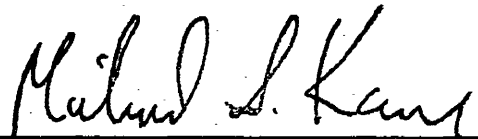
**Appeal No. 04-32**

**Request of THOMAS LARKE**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 10 ft. Front Yard Setback and 8 ft. Rear Yard Setback for proposed pool on a corner lot (48-21, G(1) at 221 Lake Road in an R-4 Zone (59-2-3.3)**

**PUBLIC HEARING will take place on JUNE 14, 2004  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

A handwritten signature in dark ink, appearing to read "Michael S. Kane", is written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

June 4, 2004

Thomas & Patricia Larke  
221 Lake Road  
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR VARIANCE #04-32

Dear Mr. & Mrs. Larke:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

221 Lake Road  
Salisbury Mills, NY

is scheduled for the June 14<sup>th</sup>, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

PRELIMINARY MEETINGS:

THOMAS LARKE (04-32)

Mr. Thomas Larke appeared before the board for this proposal.

MR. KANE: Request for 10 ft. front yard setback for proposed pool on a corner lot at 221 Lake Road in an R-4 zone. We ask that you speak loud enough so this young lady over here can hear you. So tell us exactly what you want to do.

MR. LARKE: Good evening, my name is Thomas Larke, I reside at 221 Lake Road in Salisbury Mills. I'm looking to put an above-ground 24 foot pool in the back yard but because of my lot I guess it's considered front property so I want to, I'm guessing go ten feet over the norm.

MR. KANE: For anybody else here for a preliminary meeting, what the Town of New Windsor does is they set up the two meetings, preliminary so we can get an understanding of what you want to do and tell you what we need from you, then by law everything takes place in a public hearing. Some towns just go straight to the public, there's no preliminary and if you're not on board with what we need, then you probably lose right there and then. So what we, what I would like anybody to do is pictures for the public everything that we'll ask you now we'll do again for the public meeting so it's kind of like a preliminary, you get a feel for what's going on. First thing I'd like to ask you for we've got pictures, great. And that I would call a corner lot. Putting it behind your house?

MR. LARKE: Yes, sir.

MR. KANE: It's not an option?

MR. LARKE: No.

MR. KANE: Show me what we're looking at?

MR. LARKE: This is the main road which is Lake, this is Hillcrest and the back yard, the house is here, the structure is here, the pool is not directly behind the house, it's offset.

MR. KANE: Is it existing now?

MR. LARKE: No, I'm proposing.

MR. KANE: Why couldn't that go over here?

MR. LARKE: Number one, no sunlight there, number two, yeah, we wouldn't have enough room in between here, it's just too tight to put the pool, it's more of an open area, it's a little deceiving on a diagram, it's very open.

MR. KANE: Anymore of a slope?

MR. LARKE: No, it's a flat parcel.

MR. KANE: But over here you would consider the pool to be in a safer area of your property?

MR. LARKE: Yes, sir.

MR. MINUTA: Will you be extending the deck to the pool?

MR. LARKE: I would like to down the road, there's an existing deck there.

MR. KANE: Then your offsets, so you know, if you have a pool and you have a deck on that pool and that deck attaches to your deck that attaches to your house, your offsets all change, your rear yard offset would go from



where he is it's ten foot, Mike?

MR. BABCOCK: Yeah, ten foot, I'm sorry.

MR. KANE: He would go to 40 then right if he had a deck connected to his house?

MR. BABCOCK: Well, his front yard setback is 35 feet, it's kind of a tough measure, if you see he has a three sided lot, two of them are front yards.

MR. KANE: But if that deck connected to the pool, would the rear yard offset change? I know it would on most properties.

MR. BABCOCK: We're saying he's putting the pool in the front yard, we're saying he must be 35 feet which a deck would have to be 35 feet and he's only proposing 25 feet so he needs a ten foot variance so no, I think if he attaches as long as his deck doesn't go closer to the street than the pool he should be okay.

MR. KANE: Just want to make sure if in the future five years then you find out I should of took care of it all up front.

MR. LARKE: The deck is off the back of the house, I would just come in where the street side is here.

MR. KANE: Just want to make sure you're clear. Cutting down any trees or substantial shrubbery?

MR. LARKE: No.

MR. REIS: That ten foot that you're looking for, Tom, anticipating you do do a deck in the future, we're talking from the Lake Road side front yard?

MR. KANE: Right.

MR. REIS: As long as your deck doesn't go out any further than the existing pool.

MR. LARKE: Yes, I follow.

MR. REIS: No, sir going over any easements or right-of-ways?

MR. LARKE: No none.

MR. KANE: Won't create water hazards or runoffs?

MR. LARKE: No, it's a flat parcel, there's one house and like I said, I'm on the road, no other.

MR. KANE: If you had a regular lot, he wouldn't be here?

MR. BABCOCK: That's correct.

MR. KANE: And the pool itself you don't consider oversized for the neighborhood?

MR. LARKE: No, it's compatible with other pools in the neighborhood certainly.

MR. KANE: Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we set up Mr. Tom Larke for a public hearing for his request for a ten foot front yard setback for proposed pool at 221 Lake Road.

MR. MINUTA: Second it.

ROLL CALL

May 10, 2004

6

|            |     |
|------------|-----|
| MR. REIS   | AYE |
| MR. MINUTA | AYE |
| MR. KANE   | AYE |

MS. MASON: This tells you what to do next.

MR. KANE: In the public hearing, you'll be doing the same thing, same questions, kind of repetitive.

MR. LARKE: Thank you very much.

THOMAS LARKE - CONTINUED

MR. BABCOCK: On the first applicant, Mr. Larke, after the meeting, I asked him to point out to me where his deck, if he put the deck up for the pool and when he showed me the area that he wants to put the deck he's going to require a variance. His house is 48 feet from the property line in that area and right now the existing deck he's got is probably closer than 40 feet so when he ties onto that so he's going to give me the measurement what that is and he would require a rear yard setback so do we need a new motion just so that we have the record straight?

MR. KRIEGER: Yeah, move to amend the motion to add that.

MR. BABCOCK: It will be a rear yard setback and once he gives me the measurements, I will pass them on to Myra, we'll adjust them.

MR. KANE: So what you're saying is I was right?

MR. BABCOCK: Yes, you were, you were correct, Mr. Chairman.

MR. REIS: So moved.

MR. KANE: Do we know how many feet?

MR. BABCOCK: No, it's going to be a rear yard.

MR. KANE: So we're going to move here to add an undetermined at this moment amount of feet for a rear yard setback for a proposed deck.

MR. BABCOCK: It's a very small amount, he's probably close to the 40 feet, he's going to three or four feet so he's, you know, somewhere in there.

May 10, 2004

11

MR. KANE: Want to put like six or seven feet or under?

MR. BABCOCK: I'd rather him measure it.

MR. KANE: For the proposal right now we believe it to be six or seven feet under.

MR. MINUTA: That's not to say it will be. I'd second that motion.

ROLL CALL

|            |     |
|------------|-----|
| MR. REIS   | AYE |
| MR. MINUTA | AYE |
| MR. KANE   | AYE |



RESULTS OF Z.B.A. MEETING OF:

May 10, 2004

PROJECT: Thomas Larle

ZBA # 04-32  
P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M)      S)      VOTE: A      N       
RIVERA       
MCDONALD      CARRIED: Y      N       
REIS       
MINUTA       
KANE     

NEGATIVE DEC: M)      S)      VOTE: A      N       
RIVERA       
MCDONALD      CARRIED: Y      N       
REIS       
MINUTA       
KANE     

PUBLIC HEARING: M)      S)      VOTE: A      N       
RIVERA       
MCDONALD      CARRIED: Y      N       
REIS       
MINUTA       
KANE     

APPROVED: M)      S)      VOTE: A      N       
RIVERA       
MCDONALD      CARRIED: Y      N       
REIS       
MINUTA       
KANE     

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) RS S) M VOTE: A 3 N 0

★ RIVERA       
~~MCDONALD~~       
REIS       
MINUTA       
KANE     

CARRIED: Y      N     

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES     

VARIANCE APPROVED:

M)      S)      VOTE: A      N     

RIVERA       
MC DONALD       
REIS       
MINUTA       
KANE     

CARRIED: Y      N     

No trees or shrubs  
No easements  
No Runoffs

Need Correction  
from Mike

Add diagram of deck added to survey.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

April 27, 2004

Thomas & Patricia Larke  
221 Lake Road  
New Windsor, NY 12553

Re: 59-2-3.3 ZBA# 04-32

Dear Mr. & Mrs. Larke:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00 , minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

57-2-1 & 58-5-2

County of Orange DPW  
F/B/O Beaver Dam Lake P & R Dist.  
P.O. Box 509  
Goshen, NY 10924

58-4-3

Bruce Blackman  
Lynn Bowe-Blackman  
262 Lake Road  
Salisbury Mills, NY 12577

58-4-5.2

Daniel & Eileen Schug  
14 Beaver Brook Road  
New Windsor, NY 12553

58-4-9

Stanley & Irene Mroz  
75 Lakeside Drive  
New Windsor, NY 12553

58-6-1.2

Alexander & Natalie Bar  
P.O. Box 239  
Cornwall, NY 12518

59-1-11

Margaret Obermeier, Ex.  
12 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-3 & 60-1-1

County of Orange  
F/B/O Beaver Dam Lake  
265 Main Street  
Goshen, NY 10924

59-2-5.2

Robert Witt  
7 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-8

Joseph & Annette Capone  
15 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-35

Timothy & Mary Tabala  
6 Amelia Court  
Salisbury Mills, NY 12577

58-1-23

Raymond & Annette Filippini  
P.O. Box 187  
Salisbury Mills, NY 12577

58-4-4

Eric & Kristin Papula  
260 Lake Road  
Salisbury Mills, NY 12577

58-4-6

Mary DeMatte  
Alfred Ostrander  
20 Beaver Brook Road  
New Windsor, NY 12553

58-5-1

Daniel Koch  
P.O. Box 416  
Vineyard Haven, MA 02568

59-1-9

Josephine & Guy Osmer  
16 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-1

Vito & Alice Nasta  
8 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-3.2

Robert Delgado, Jr.  
Awilda Cabrera Delgado  
211 Lake Road  
Salisbury Mills, NY 12577

59-2-6.1

Doreen & Salvatore LoSauro  
9 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-33

Lorraine Astrab  
2 Amelia Court  
Salisbury Mills, NY 12577

59-2-36

Robert & Theresa Gesten  
3 Amelia Court  
Salisbury Mills, NY 12577

58-4-2

Carol Fox  
30 Surry Lane  
Plainview, NY 11803

58-4-5.1

Robin & James Rashford, III  
10 Beaver Brook Road  
New Windsor, NY 12553

58-4-7.12 & 58-4-7.13

Dominick & Bernadine Forte  
17 Grandview Avenue  
Cornwall-On-Hudson, NY 12520

58-6-1.1

Steven & David Kaiser  
P.O. Box 87  
Salisbury Mills, NY 12577

59-1-10

William & Helen Adams  
39 Donna Lane  
Wallkill, NY 12589

59-2-2

Gary Walters  
6 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-4

Andrew Lelo  
5 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-7

Christopher & Marie Moran  
13 Hillcrest Drive  
Salisbury Mills, NY 12577

59-2-34

Cynthia Weiss  
Joseph Olivo  
4 Amelia Court  
Salisbury Mills, NY 12577

59-2-37

Phillip & Karen Piracci  
1 Amelia Court  
Salisbury Mills, NY 12577



60-1-2  
Natalia Frid  
65 Lakeside Drive  
New Windsor, NY 12553

60-1-3  
Gregory & Ramona Agresti  
57 Lakeside Drive  
New Windsor, NY 12553

60-1-4.2  
Gary & Eileen Bromm  
55 Lakeside Drive  
New Windsor, NY 12553

60-1-5  
Alan Pearson  
53 Lakeside Drive  
New Windsor, NY 12553

60-1-6  
Daniel & Karen Smith  
49 Lakeside Drive  
New Windsor, NY 12553

60-1-7  
Edward & Joan Swider  
47 Lakeside Drive  
New Windsor, NY 12553

60-1-8  
Robert & Joan Anderson  
45 Lakeside Drive  
New Windsor, NY 12553

60-1-9  
William Nolte  
Devin Golden  
43 Lakeside Drive  
New Windsor, NY 12553

60-1-10  
Douglas Hirsch  
41 Lakeside Drive  
New Windsor, NY 12553

ZBA #04-32

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#394-2004**

04/23/2004

Larke, Thomas A.  
221 Lake Road  
Salisbury Mills, NY 12577

Received \$ 50.00 for Zoning Board Fees, on 04/23/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 04-19-2004

FOR: ESCROW - 04-32

FROM: THOMAS & PATRICIA LARKE

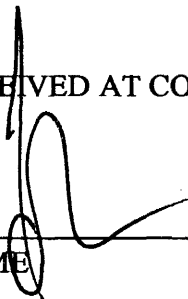
221 LAKE ROAD

SALISBURY MILLS, NY 12577

CHECK NUMBER: 2012

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
NAME \_\_\_\_\_ DATE 4/23/04

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

April 21, 2004

Thomas & Patricia Larke  
221 Lake Road  
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR VARIANCE #04-32

Dear Mr. & Mrs. Larke:

This letter is to inform you that you have been placed on the May 10, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

221 Lake Road  
Salisbury Mills, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

# **TOWN OF NEW WINDSOR** **REQUEST FOR NOTIFICATION LIST**

DATE: 04-21-2004 PROJECT NUMBER: ZBA# 04-32 P.B. # \_\_\_\_\_

APPLICANT NAME: THOMAS & PATRICIA LARKE

PERSON TO NOTIFY TO PICK UP LIST:

PATRICIA LARKE  
221 LAKE ROAD  
SALISBURY MILLS, NY 12577

TELEPHONE: 534-8009 ext. 5000 OR 496-7006

TAX MAP NUMBER: SEC. 59 BLOCK 2 LOT 3.3  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 221 LAKE ROAD  
SALISBURY MILLS, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2013

TOTAL CHARGES: \_\_\_\_\_



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO  
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

|  |          |
|--|----------|
| APPLICATION FEE:                           | \$ 50.00 |
| *ESCROW:                                   | \$300.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

**MULTI-FAMILY: (Three Separate Checks Please)**

|  |          |
|--|----------|
| APPLICATION FEE:                           | \$150.00 |
| *ESCROW:                                   | \$500.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

**COMMERCIAL: (Three Separate Checks Please)**

|  |          |
|--|----------|
| APPLICATION FEE:                           | \$150.00 |
| *ESCROW:                                   | \$500.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

**INTERPRETATION: (Three Separate Checks Please)**

|  |          |
|--|----------|
| APPLICATION FEE:                           | \$150.00 |
| *ESCROW:                                   | \$500.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

|              |        |
|--------------|--------|
| 1-10 NAMES   | 25.00  |
| 11-20 NAMES  | 35.00  |
| 21-30 NAMES  | 45.00  |
| 31-40 NAMES  | 55.00  |
| 41-50 NAMES  | 65.00  |
| 51-60 NAMES  | 75.00  |
| 61-70 NAMES  | 85.00  |
| 71-80 NAMES  | 95.00  |
| 81-90 NAMES  | 105.00 |
| 91-100 NAMES | 115.00 |

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

*Thomas A. Jack*  
SIGNATURE

*3/26/04*  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.  
(JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

4/9/04  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Phone Number: (845) 496-7006  
Fax Number: (845) 565-2754  
Thomas & Patricia Larke  
(Name)  
221 Lake Rd, Salisbury Mills, NY 12577  
(Address)

**II. Applicant:**

Same as above  
(Name)  
Phone Number: ( )  
Fax Number: ( )  
(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )  
Fax Number: ( )  
(Name)  
(Address)

**V. Property Information:**

Zone: R-4 Property Address in Question: 221 Lake Rd. Salisbury Mills, NY  
Lot Size: 0.19 Tax Map Number: Section 59 Block 2 Lot 3.3  
a. What other zones lie within 500 feet? residential houses  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? Sept. 1991  
d. Has property been subdivided previously? NO If so, When:  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? NO

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**04-32**

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

|                     | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------------------|---------------------|------------------------------|-------------------------|
| Min. Lot Area       |                     |                              |                         |
| Min. Lot Width      |                     |                              |                         |
| Reqd. Front Yd.     | 35'                 | 25'                          | 10'                     |
| Reqd. Side Yd.      |                     |                              |                         |
| Reqd. Rear Yd.      |                     |                              |                         |
| Reqd. St Front*     |                     |                              |                         |
| Max. Bldg. Hgt.     |                     |                              |                         |
| Min. Floor Area*    |                     |                              |                         |
| Dev. Coverage*      |                     |                              |                         |
| Floor Area Ration** |                     |                              |                         |
| Parking Area        |                     |                              |                         |

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

04-32

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

*The area in which the 24' above ground pool will go, is in fact an area that is completely fenced in. Area poses no threat to environment or neighboring properties. There will be no removal of trees or other objects in this area.*

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
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**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)**

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16<sup>th</sup> day of April 2004.

Patricia A. Larke

Owner's Signature (Notarized)

Patricia A. Larke

Owner's Name (Please Print)

CHERYL L. CANFIELD  
Notary Public, State of New York  
Qualified in Orange County  
#01CA6073319

Commission Expires April 22, 2006

Cheryl L. Canfield

Signature and Stamp of Notary

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

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